

NO. 24674

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DONALD L. WILKERSON, Petitioner,

vs.

THE HONORABLE REYNALDO GRAULTY, Judge of the Circuit Court
of the First Circuit, State of Hawai'i, Respondent.

ORIGINAL PROCEEDING
(CR. NO. 98-1135)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Donald Wilkerson's petition for a writ of mandamus, writ of prohibition and writ of habeas corpus, the papers in support, and the records and files herein, it appears that: (1) the respondent judge refused to file Petitioner's motion to recall bench warrant submitted for filing on November 9, 2001; and (2) a court's refusal to file documents submitted to the court for filing is reviewable by way of a petition for writ of mandamus. See Barnett v. Broderick, 84 Hawai'i 109, 929 P.2d 1359 (1996). Therefore,

IT IS HEREBY ORDERED that within thirty days from the date of this order, the respondents shall file a response to Petitioner's assertion that the respondent judge refused to file Petitioner's motion to recall bench warrant. Notwithstanding the provision in HRAP Rule 21(c), the respondent judge shall file a response to the petition. Petitioner may file a supplemental memorandum or other supplemental materials within the time provided.

DATED: Honolulu, Hawai'i, January 15, 2002.